

SUMMARY OF COMMENTS

GENERAL RULES

WAC 480-12-011, 016, 026, X03, X04, X10

March 1, 2000

UT-990146

Chapter 480-120 - Telephone Companies

WAC/Issue	Interested Person	Comment	Staff Response
WAC 480-120-011 Application of rules.			
General comment.	GTE	This rule should contain a caveat to allow certain competitive carriers to be exempt from certain rules. Rules that apply to facilities-based providers should not be applied to resellers or to competitive carriers, who are not designated as eligible telecommunications carriers (ELTEL).	Staff disagrees. Competitively classified companies may petition for waiver of certain rules under RCW 80.36.320(2).
	Public Counsel	Public Counsel supports the retention of the right to appeal the erroneous or doubtful interpretation of these rules by affected customers. If this right is not preserved elsewhere in the revisions to this chapter of the rules Public Counsel requests that those portions of the existing rule be retained.	Staff agrees. Staff proposes to retain language in the current subsection (2).

WAC/Issue	Interested Person	Comment	Staff Response
WAC 480-120-011 Application of rules.			
	Sprint	Move language from 500 to 011: <i>"The rules set forth in this chapter do not relieve any telecommunications company from any of its duties under the laws of the state of Washington. These rules are not intended to establish a standard of care owed by a telecommunications company to any customer, consumer, or subscriber."</i> Replacing the terms "utility" and "local exchange" with "company" significantly broadens the applicability of many current rules to include competitive providers. This conflicts with statutory authority. Recommend that "utilities" not be replaced with "company." "Telecommunications companies" be replaced with the term "telecommunication utilities."	1. Staff disagrees with moving the language from 500 to 011. 2. Staff will discuss further at the stakeholder workshop, the use of the term "company." 3. Staff disagrees. The statutes do not reference or define "telecommunications utilities."
	U S WEST	Move the limitation of liability language from 480-120-500 to 480-120-011. The rules in this chapter are not designed to establish guidelines for tort or other liability purposes. Commission should establish at the outset of the chapter that the purpose of these rules is not to create a standard of care owed by a company to a consumer. The Commission has recognized this to be the case within the rules themselves stating so plainly up front removes the need to repeat this throughout the rules.	Additional discussion is needed. Staff to discuss with stakeholders at the March 9 workshop.
	WITA	Submitted suggested draft language with no comment or justification in support of changes.	Without explanation from WITA, staff cannot respond. Staff will respond to proposed draft language when comment/justification received.

WAC/Issue	Interested Person	Comment	Staff Response
WAC 480-120-016 Saving clause.			
General comment.	GTE	GTE's proposed language should be adopted. The first addition places procedural restrictions on Commission action. This second addition should be added to avoid establishing a <u>per se</u> breach of duty in suits brought against companies by third parties.	Staff disagrees.
	U S WEST	Strike in its entirety as it is outdated and no longer necessary. It is clear that the rules do not relieve companies of their obligations under state law. Statutes that delegate to the Commission its jurisdiction, make clear that the Commission can impose additional or different requirements on carriers than those in the rules. There is no need to highlight the potential for different regulations for different providers in this competitive environment that demands parity in the rules.	Staff disagrees.
	WITA	Company suggests strike out in its entirety.	Without explanation from WITA, staff cannot respond. Staff will respond to proposed draft language when comment/justification received.

WAC/Issue	Interested Person	Comment	Staff Response
WAC 480-120-026 Tariffs.			
General comment.	GTE	-027 should be deleted and its subject title combined with -026	To be discussed at the March 9 Stakeholder Workshop.
	Public Counsel	<p>It is unclear why the current language is not retained in the draft or whether a substantive change is intended. Public Counsel supports retention of the existing filing requirements for tariffs, rate schedules, rules, regulations, price lists, and contracts.</p> <p><u>Suggested language</u> Insert after “Tariffs” the following phrase, “<u>Rate Schedules, Rules, Regulations.</u>”</p>	
	U S WEST	Consolidate with -027 given the Commission’s apparent intent to make 480-80 relevant to tariffs, price lists and contracts.	
	WITA	Add Price Lists and Contracts to title.	

WAC/Issue	Interested Person	Comment	Staff Response
WAC 480-120-X03 Access to premises.			
General comment.	<p>GTE</p> <p>Public Counsel</p>	<p>Rule should be deleted. It applies to customers not telecommunications providers.</p> <p>Should require companies to provide customer's with 48 hour notice of their intent to enter the customer's premises as well as a four hour window on the day they intend to enter when they will arrive. This protects both the customer's privacy and the safety of company service personnel in the field. It is also consistent with the commission's other rules and Washington Landlord Tenant law at RCW 59.18.150</p> <p><u>Suggested Language The company must provide the customer with no less than 48 hours notice of its intent to enter the customer's premises. The company must provide a four hour window within which it intends to enter the customer's premises.</u></p>	To be discussed at the March 9 Stakeholder Workshop.

WAC/Issue	Interested Person	Comment	Staff Response
WAC 480-120-X03 Access to premises.			
General comment.	U S WEST	Strike proposed new rule as it is not necessary. This language is in each company's tariffs. The Commission should not be involved in determining reasonable versus unreasonable hours or for what purpose the company is accessing a customer's premises. These are issues between companies and their customers. Companies have been granted statutory authority to access a customer's premise under 80.36.020.	To be discussed at the March 9 Stakeholder Workshop.
	WITA	Company suggests strike out in its entirety.	

WAC/Issue	Interested Person	Comment	Staff Response
WAC 480-120-X04 Exemptions from rules.			
General comment.	<p>GTE</p> <p>U S WEST</p> <p>WITA</p>	<p>Rule should be deleted, it duplicates GTE's proposal for -024.</p> <p>Strike this proposed new rule as it is duplicative and unnecessary. The rules should be neutrally applied to all parties. It is inappropriate to promote different treatment of carriers. Where exemptions are warranted for a specific rule it should be stated in that rule. The Commission's authority to provide exemptions presumptively exists through its broad authority as provided by statute.</p> <p>Company suggests strike out in its entirety.</p>	<p>Staff disagrees. The duplicative portions have been deleted.</p> <p>Without explanation from WITA, staff cannot respond. Staff will respond to proposed draft language when comment/ justification received.</p>

